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In re Application of:
CRASTER, Bernadette, et al. :
U.S. Application No.: 10/542,654 :
PCT No.: PCT/GB2004/000575 :
Int'l Filing Date: 20 February 2004 :
Priority Date: 20 February 2003 :
Atty Docket No.: 57.0513 US PCT :
For: SYSTEM AND METHOD FOR :
MAINTAINING ZONAL ISOLATION :
IN A WELLBORE :
:

DECISION ON RENEWED
PETITION UNDER
37 CFR 1.47(a)

This decision is issued in response to applicants' renewed petition under 37 CFR 1.47(a) filed 25 September 2006. No petition fee is required.

BACKGROUND

The procedural background for this application was set forth in the decision mailed on 21 July 2006. That decision dismissed applicant's petition without prejudice for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had failed to provide: (1) a copy of the complete declaration executed by the co-operating inventors, and (2) an adequate showing that the non-signing inventor can not be located after diligent effort.

On 25 September 2006, applicants filed the renewed petition considered herein.

DISCUSSION

The renewed petition includes the complete nine page declaration executed by the seven co-operating inventors and including an unsigned signature block for the non-signing inventor, Roger CARD. This declaration may be treated as having been executed by the co-operating inventors on their own behalf and on behalf of the non-signing inventor. Accordingly, applicants have now satisfied the declaration requirement for a grantable petition.

The final requirement is an acceptable showing that the non-signing inventor has refused to execute the declaration or cannot be located after diligent effort. The renewed petition provides two firsthand statements, with supporting evidence, confirming that mailings to the last known address in 2005 were returned, and that no response was received to a facsimile sent to a facsimile number identified in an August 2005 internet search. The materials provided are

proper evidence of these actions. However, the actions described are not sufficient to show a diligent effort to locate the non-signing inventor. Applicants have provided no showing that any efforts have been made to locate the inventor in the year between the actions described in the petition and the September 2006 filing of the renewed petition. Applicants must provide the required evidence of a more recent search for the inventor's current address (i.e., a new internet search, etc.) before it can be concluded that the inventor cannot be located after diligent effort.

Based on the above, applicants have not, on the present record, satisfied the final requirement of a grantable petition.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the firsthand and documentary evidence required to demonstrate that a diligent effort has been made to locate a current address for the non-signing inventor and obtain his signature at such address.

Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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